

REMARKS

This Amendment submits proposed drawing corrections to Figs. 1b, 2b, 3b, and 4b; cancels claims 2, 5-8, 10, 11, 14, and 15; and amends claims 1 and 9 in accordance with the original disclosure. Support for the amendments to claim 1 is found, for example, in canceled claim 8 and in the specification at paragraphs 0035-0037. Claims 1, 3, 4, 9, 12, and 13 remain in this application.

In the Drawings

On page 2 of the Office Action, the Examiner required drawing corrections to Figs. 1b, 2b, 3b, and 4b to place these figures in conformance with conventional drawing rules. Applicants enclose herewith drawing sheets showing proposed drawing corrections to Figs. 1b, 2b, 3b, and 4b in red ink as suggested by the Examiner to correct the drawing figures.

Approval of the proposed drawing corrections is respectfully requested.

Rejections Under 35 U.S.C. § 112, second paragraph

Claims 1, 5, and 6 stand rejected for indefiniteness. As set forth above, claims 5 and 6 have been canceled, thereby rendering these rejections moot. Claim 1 has been amended as suggested by the Examiner to correct the indefiniteness rejection. Therefore, reconsideration of the rejection of claim 1 is respectfully requested.

Rejections Under 35 U.S.C. § 102(b) and § 103(a)

Claims 1-3, 5, 11, and 14 stand rejected for anticipation by EP 0 030 928 to Jarl. Claims 1, 6, 7, and 10 stand rejected for anticipation by U.S. Patent No. 5,998,963 to Aarseth. Claim 4 stands rejected for obviousness over the teachings of Jarl and JP 11-246193. Claims 6, 8, and 9 stand rejected for obviousness over the teachings of Jarl in view of U.S. Patent No. 4,459,732 to Driggers. Claims 12 and 13 stand rejected for obviousness over the teachings of Jarl in view of U.S. Patent No. 4,308,946 to Ouellette. Claim 15 stands rejected for obviousness over the teachings of Jarl in view of U.S. Patent No. 4,093,084 to Ringer.

As set forth above, Applicants have canceled claim 8 and have added the limitations therefrom into amended claim 1. Applicants have also further amended claim 1 in

accordance with paragraphs 0035-0037 of the specification to specifically disclose the conveyor structure shown in Fig. 4b of the pending application. Therefore, Applicants will discuss the patentability of amended claim 1 over the Jarl and Driggers combination. The other rejections are believed moot in view of the amendments to claim 1.

Claim 1, as amended, is directed to a battery changing system to change the battery block of an industrial truck. The changing system comprises a roller conveyor external to the industrial truck, with at least a portion of the conveyor that can be raised and lowered. The external roller conveyor is configured to be placed underneath a battery compartment of the industrial truck that holds a battery block. A floor surface of the battery compartment of the industrial truck is provided with at least one opening to receive at least one roller of the roller conveyor. The battery block is movable all the way out of the battery compartment in a lateral direction of the truck by means of the roller conveyor. The roller conveyor includes a first segment and at least one movable second segment. The first segment comprises a pair of spaced first beams, each having a plurality of rollers. The second segment comprises a second beam located between the first beams and having a plurality of rollers. The second beam is longitudinally extensible and retractable with respect to the first beams. A stop is located on the first segment to limit movement of the battery block. A retaining device is located on the second beam and is configured to engage the truck to prevent relative movement between the roller conveyor and the truck during movement of the battery block.

Jarl is directed to a method of removing a battery from an industrial truck. A trolley 12 has a load-carrying device 13 with rollers 16. The rollers 16 can be inserted through apertures 11 in the bottom plate 8 of an industrial truck 1 to lift and remove a battery 7. While Jarl does not teach or suggest the two-segment construction of original claim 8 (now in amended claim 1), the Examiner relies upon Driggers for this limitation.

Driggers discloses an apparatus 1 for removing hearth inserts from a fireplace. The apparatus 1 has a pair of rear rails 3 and 5 with rollers 11. Front rails 13 and 15 are telescopically mounted between the rear rails 3 and 5 and can be locked in a desired position by locking means 19 and 21. Support means 39 and 41 are attached to one end 7 of the apparatus 1 and are adjustable in height by wing nuts 43 and 45. Support means 29 and 31 for resting upon an elevated surface are located at the other end of the apparatus. In operation, the apparatus 1 is positioned next to the insert and the height of the adjustable

support means 39 and 41 adjusted accordingly. The lower surface of the insert 35 is then elevated, such as by use of a crowbar, and the front rails 13 and 15 inserted thereunder. The insert is then rolled out on the apparatus 1.

Applicants do not believe either Jarl or Driggers, either alone or in combination, fairly teaches or suggests the invention as set forth in amended claim 1. Firstly, Applicants do not believe one of ordinary skill in the industrial truck art would look to a fireplace removal insert for modifying the industrial truck. Additionally, even if such a combination were made, it would not result in the invention as set forth in amended claim 1. The Jarl device is configured to be positioned under the bottom of an industrial truck and raised to insert the rollers 16 through the apertures 11 to lift the battery block 7. Conversely, the Driggers device is configured to be pushed under a furnace insert from the side. Additionally, there is no teaching or suggestion in Driggers to mount the Driggers apparatus onto a movable cart. One of the main advantages of the Driggers device is that it is non-movable to provide a stable platform to hold the furnace insert. Therefore, for all of the above reasons, claim 1 is not believed anticipated nor rendered obvious by the Jarl and Driggers combination.

Claims 3, 4, 9, 12, and 13 depend from, and add further limitations to, claim 1. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

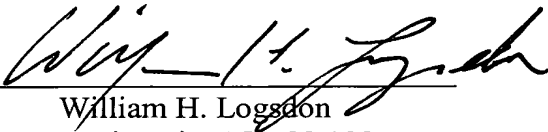
Application No. 10/694,630
Paper Dated: May 15, 2006
In Reply to USPTO Correspondence of February 16, 2006
Attorney Docket No. 964-031639

Conclusion

In view of the above amendments and remarks, reconsideration of the objection to the drawings and rejections of claims 1, 3, 4, 9, 12, and 13, and allowance of all of the claims are respectfully requested.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

Applicants include herewith drawing sheets showing proposed drawing corrections in red ink to Figs. 1b, 2b, 3b, and 4b. Approval of the proposed drawing corrections is respectfully requested.

Attachment: Replacement Sheets
Annotated Sheet Showing Changes

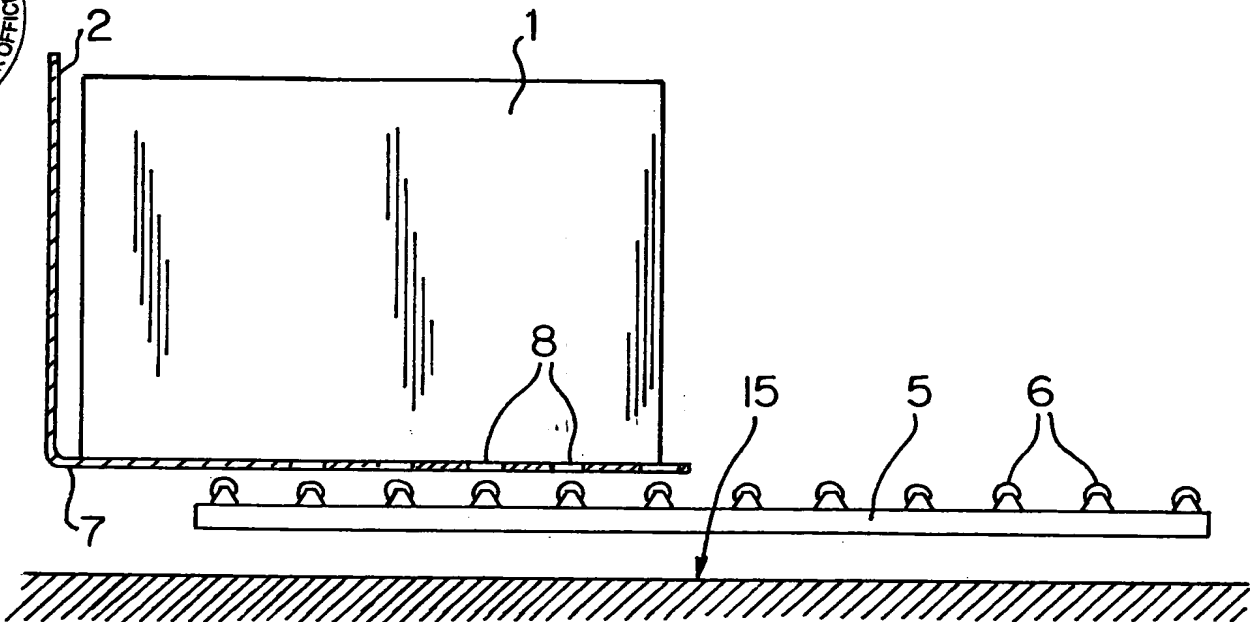


FIG. 1a

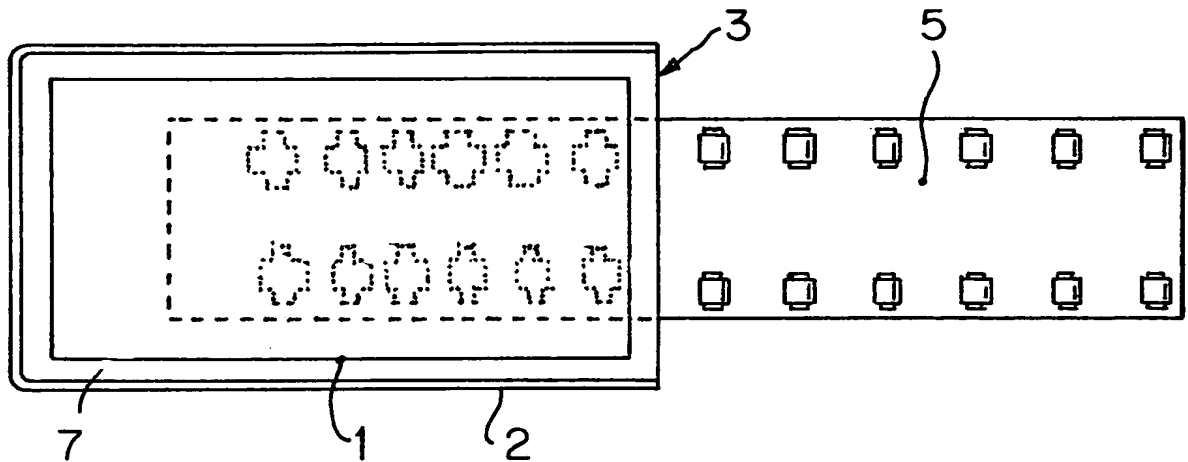


FIG. 1b

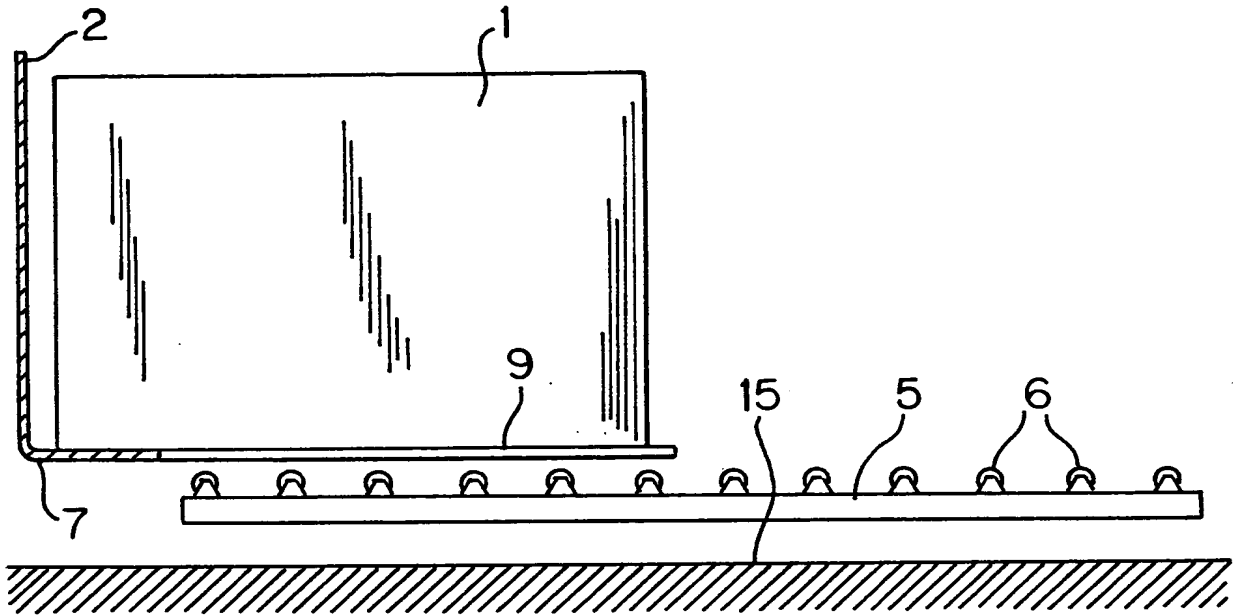


FIG. 2a

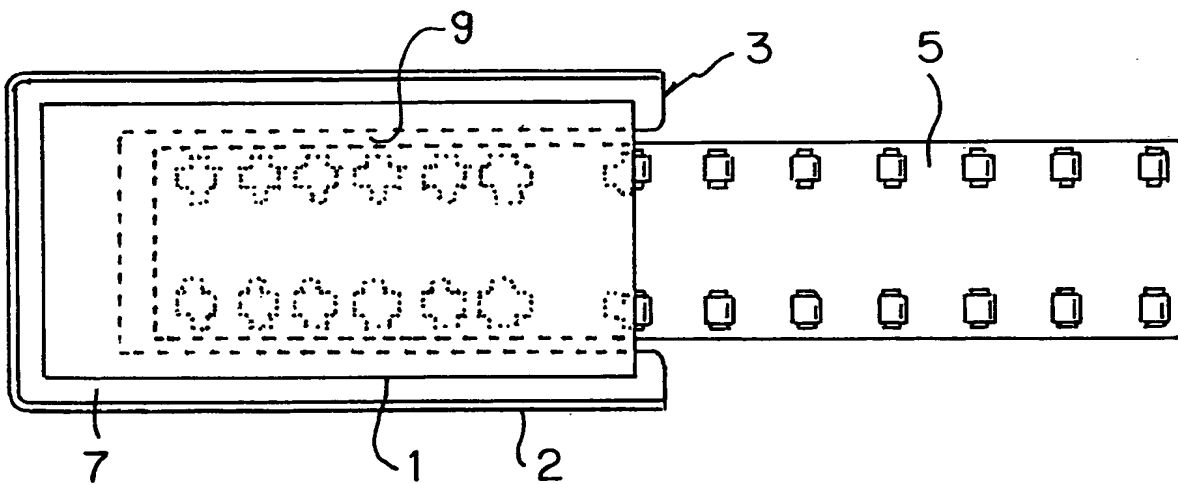


FIG. 2b

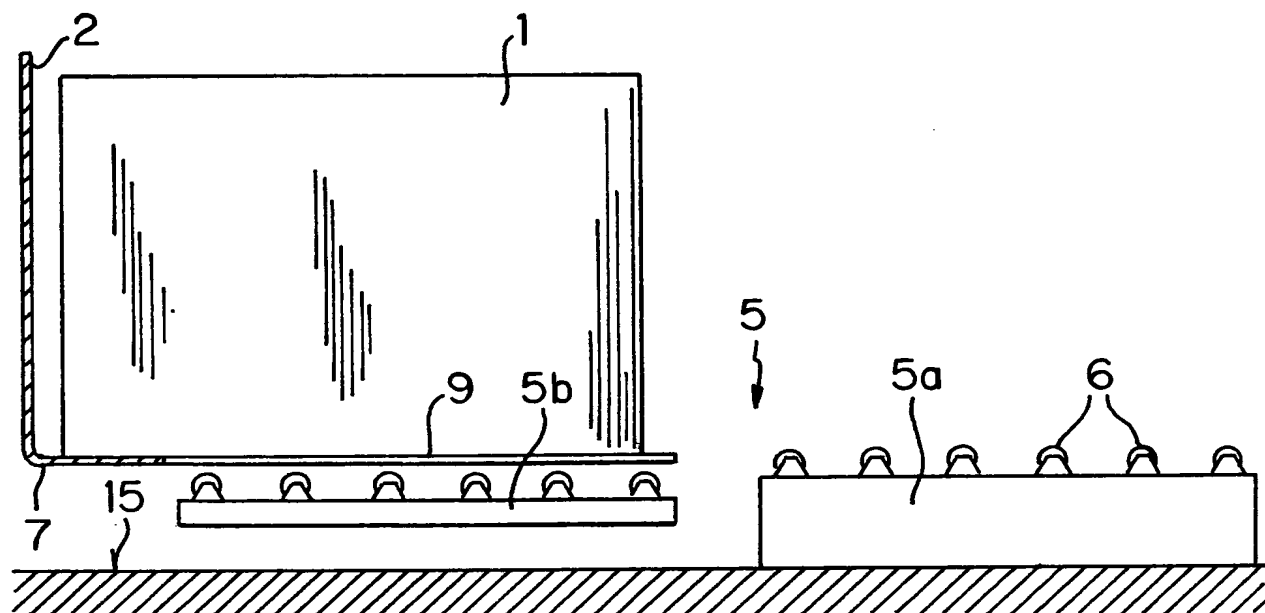


FIG. 3a

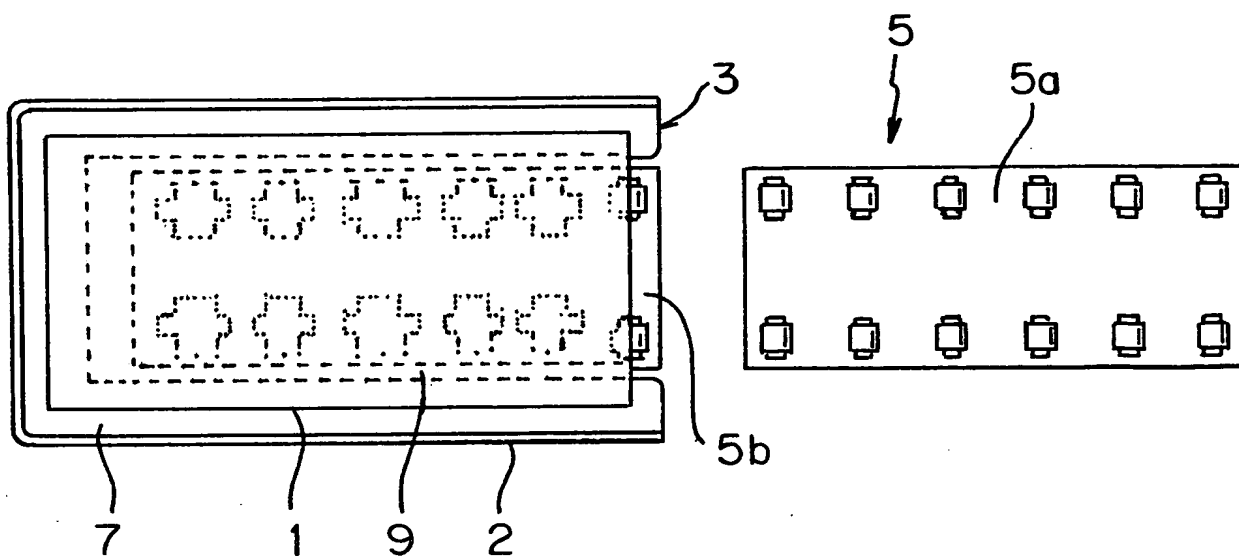


FIG. 3b

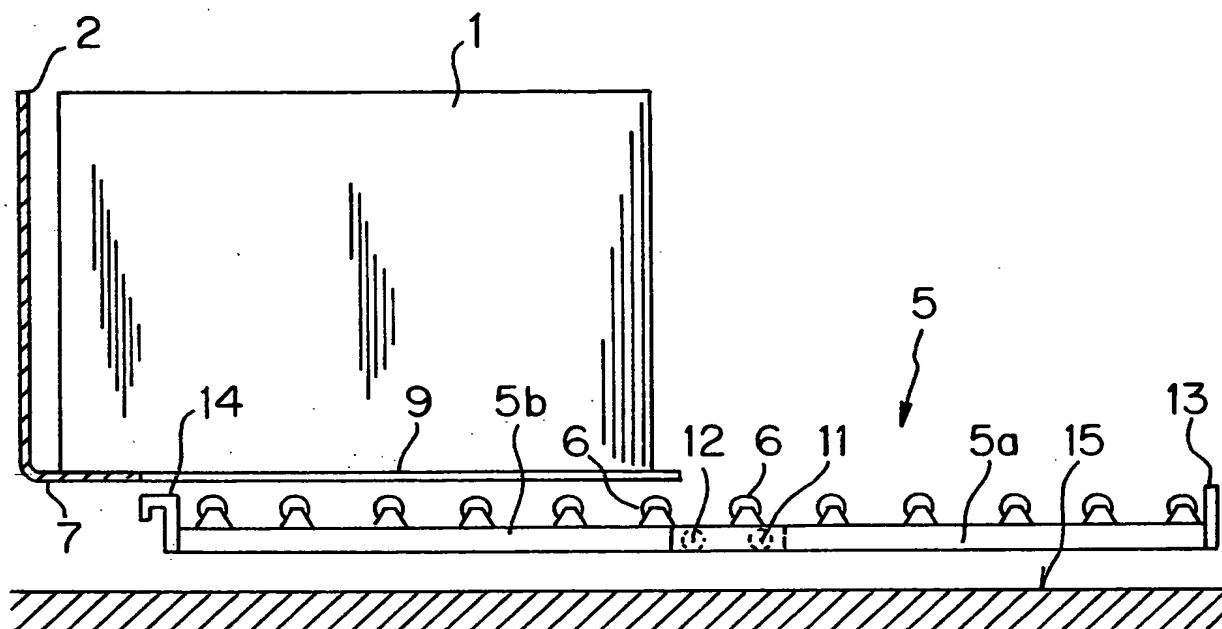


FIG. 4a

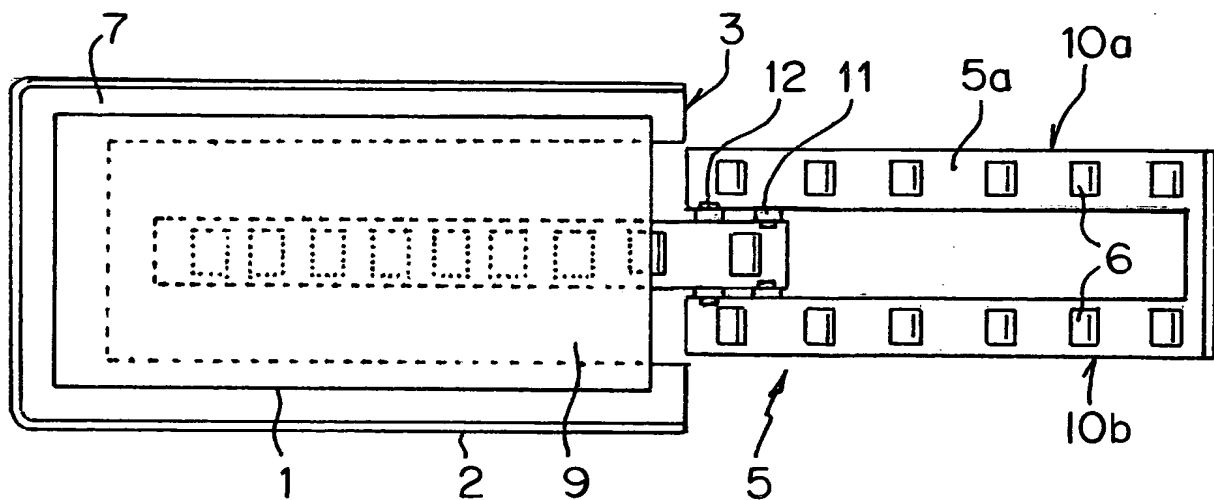


FIG. 4b